

**FILED**  
Clerk  
District Court

**NOV 16 2007**

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

ZHAI LAN JIANG,

Plaintiff,

vs.

HAN NAM CORPORATION, a Commonwealth of  
the Northern Mariana Islands corporation,

Defendant.

CASE NO. CV 07-

**0035**

VERIFIED COMPLAINT

DEMAND FOR JURY TRIAL

COMES NOW, ZHAI LAN JIANG with the following Verified Complaint against HAN NAM CORPORATION:

JURISDICTION

1. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"), including the Pregnancy Discrimination Act of 1978 and the Civil Rights Act of 1991, applies to this matter through the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Article V, §502(a)(2).

2. This Court has jurisdiction over Plaintiff's claims pursuant to 42 U.S.C. § 2000e-5 and 42 U.S.C. § 1981a(a)(1).

3. The Court also has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1337(a) (proceedings arising under any Act of Congress regulating

1 commerce).

2 4. Venue is properly placed in this Court as at all times relevant to Plaintiff's claims herein,  
3 Plaintiff was employed by Defendant in Saipan, Commonwealth of the Northern Mariana Islands  
4 ("CNMI") and the CNMI is the jurisdiction in which the unlawful employment practices of  
5 Defendant occurred. *See* 42 U.S.C. § 2000e-5(f)(3).

6 PARTIES

7 5. Plaintiff ZHAI LAN JIANG ("Ms. ZHAI") is a citizen of the People's Republic of China  
8 currently residing in Saipan, Commonwealth of the Northern Mariana Islands ("CNMI").

9 6. Defendant Han Nam Corporation is a CNMI corporation with its principal place of  
10 business in Saipan, CNMI ("HAN NAM").

11 7. At all times relevant to Ms. ZHAI's claims herein, Ms. ZHAI was an "employee" within  
12 the meaning of Section 701(f) of Title VII, 42 U.S.C. § 2000e(f).

13 8. At all times relevant to Ms. ZHAI's claims herein, HAN NAM was an "employer" within  
14 the meaning of Section 701(b) of Title VII, 42 U.S.C. § 2000e(b).

15 9. At all times relevant to Ms. ZHAI's claims herein, HAN NAM was engaged in commerce  
16 within the meaning of Section 701(g) of Title VII, 42 U.S.C. § 2000e(g).

17 FACTS

18 10. Ms. ZHAI began her employment with HAN NAM on about January 3, 2001.

19 11. Ms. ZHAI was employed through a series of employment contracts between ZHAI and  
20 HAN NAM, the most recent of which had a term that expired on January 3, 2005.

21 12. In about March 2004, Ms. ZHAI became pregnant.

22 13. In about April or May 2004, Ms. ZHAI informed Respondent that she was pregnant.

23 14. On or about December 8, 2004, HAN NAM's owner/manager informed Ms. ZHAI that  
24 her contract would not be renewed for an additional one-year term.

25 15. HAN NAM failed and refused to renew Ms. ZHAI's employment contract because of Ms.  
26

1 ZHAI's pregnancy.

2 16. All of HAN NAM's discriminatory actions and omissions alleged above were intentional  
3 within the meaning of 42 U.S.C. § 2000e-5(g)(1).

4 17. All of HAN NAM's discriminatory actions and omissions alleged above were engaged in  
5 by HAN NAM with malice and/or with reckless indifference to the federally protected rights of Ms.  
6 ZHAI within the meaning of 42 U.S.C. § 1981a(b)(1).

7 18. On February 3, 2005, Ms. ZHAI filed a Charge of Discrimination with the Equal  
8 Employment Opportunity Commission (the "EEOC") alleging that HAN NAM had discriminated  
9 against her in her employment with HAN NAM because she was pregnant and based on her national  
10 origin.

11 19. On September 11, 2007, the EEOC issued to Ms. ZHAI a Notice of Right to Sue.

12 CAUSE OF ACTION FOR  
13 INTENTIONAL EMPLOYMENT DISCRIMINATION

14 20. Ms. ZHAI incorporates paragraphs 1 through 19 above as if fully set forth herein.

15 21. Title 42, Section 2000e-2(a) of the United States Code makes it unlawful for an  
16 employer, among other things:

17 "to fail or refuse to hire or to discharge any individual, or otherwise to  
18 discriminate against any individual with respect to his compensation,  
19 terms, conditions, or privileges of employment, because of such  
20 individual's . . . sex . . . ; or to limit, segregate, or classify his employees  
21 . . . in any way which would deprive or tend to deprive any individual  
22 of employment opportunities or otherwise adversely affect his status as  
23 an employee, because of such individual's . . . sex. . . ."

21 22. Pursuant to 42 U.S.C. § 2000e-2(m), an unlawful employment practice is established  
22 when the complaining party demonstrates, among other things, that sex was a motivating factor for  
23 any employment practice, even though other factors may have also motivated the practice.

24 23. Title 42, Section 2000e(k) defines the terms "because of sex" and "on the basis of sex"  
25 to include: "on the basis of pregnancy, childbirth, or related medical conditions."

26 24. Section 2000e(k) goes on to require that "women affected by pregnancy, childbirth, or  
27

1 related medical conditions shall be treated the same for all employment-related purposes, including  
2 receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their  
3 ability or inability to work. . . .”

4 25. Ms. ZHAI was, at all times relevant to her claims herein, a member of a class protected  
5 by the Title VII, including the provisions of the Pregnancy Discrimination Act thereof.

6 26. Ms. ZHAI was, at all times relevant to her claims herein, qualified for the position she  
7 held with HAN NAM and/or for another position with HAN NAM.

8 27. At all times relevant to her claims herein, Ms. ZHAI adequately performed her job with  
9 HAN NAM.

10 28. On December 8, 2004, Ms. ZHAI was discharged by HAN NAM because of her pregnancy  
11 or her pregnancy was a motivating factor in HAN NAM’s decision to discharge Ms. ZHAI, in violation  
12 of 42 U.S.C. §§ 2000e-2(a), (m) and § 2000e(k).

13 29. HAN NAM’s unlawful, discriminatory conduct was willful, intentional and was with  
14 malice and/or with reckless disregard to Ms. ZHAI’s federally protected rights.

15 30. Pursuant to 42 U.S.C. § 2000e-5(g)(1), Ms. ZHAI is entitled to an award of back pay and  
16 other equitable relief as the Court may determine.

17 31. Pursuant to 42 U.S.C. § 1981a, and in addition to the remedies to which she is entitled  
18 pursuant to 42 U.S.C. § 2000e-5, Ms. ZHAI is entitled to compensatory and punitive damages for  
19 HAN NAM’s unlawful, discriminatory conduct in an amount to be determined by a jury after a trial  
20 on the merits of Ms. ZHAI’s claims.

21 32. Pursuant to 42 U.S.C. § 2000e-5(k), Ms. ZHAI is also entitled to her costs, including  
22 expert costs and reasonable attorney’s fees.

23 **PRAYER FOR RELIEF:**

24 Accordingly, Ms. ZHAI prays for the following relief:

25 A. Back pay from Ms. ZHAI’s last day of work to the date of her re-employment;  
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1 B. Compensatory damages pursuant to 42 U.S.C. § 1981a in an amount to be determined  
2 by a jury;

3 C. Punitive damages pursuant to 42 U.S.C. § 1981a in an amount to be determined by a jury;

4 D. An award of costs (including the cost of experts) and reasonable attorney's fees; and

5 E. Any other relief the Court deems just and proper.

6 Submitted this 16<sup>th</sup> day of November, 2007.

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9 MARK B. HANSON

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17 Attorney for Plaintiff ZHAI  
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1 VERIFICATION OF COMPLAINT

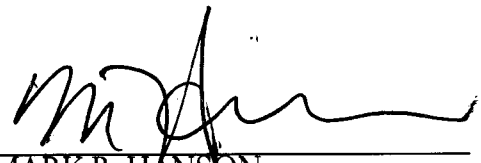
2 I, ZHAI LAN JIANG, hereby certify that the forgoing complaint has been translated to me  
3 from English into Mandarin, and that I have read and understood the allegations and claims made  
4 herein and that I consent to be a party plaintiff herein. I further certify that the factual statements  
5 made herein are true and correct to the best of my knowledge and belief and that I verified the  
6 accuracy of the above Complaint this 16<sup>th</sup> day of November, 2007.

7  
8   
9 ZHAI LAN JIANG  
10 Plaintiff

11 DEMAND FOR JURY TRIAL

12 Pursuant to Fed. R. Civ. P. 58(b) and 42 U.S.C. § 1981a(c), Plaintiff hereby demands a trial  
13 by jury on all of Plaintiff's causes of actions and claims for relief stated in the above-Verified  
14 Complaint.  
15

16 DATED this 16<sup>th</sup> day of November, 2007.

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27 Attorney for Plaintiff